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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,667	11/03/2001	Iram Casas		7278

7590 12/15/2003  
Matthew J. Peirce, Esq.  
1550 Starlight Canyon Avenue  
Las Vegas, NV 89123

EXAMINER
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ZEADE, BERTRAND

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/008,667	Applicant(s) CASAS, IRAM	
	Examiner Bertrand Zeade	Art Unit 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 25 August 2003.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 U.S.C. § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. G. Gible. (U.S.2,855,679) in view of C. I. Durst at el. (U.S.2,822,615).

Gible ('679) discloses a gage attachment for drills having:

Regarding claim 1, a hand-held tool (see fig. 1), a casing or housing (17), a bulb (18) located within the casing (17), mounting means (14, 15) for attaching the casing within the hand-held tool, power means (19) for providing to the light source (18/or 26), wherein the light source (18/or 26) would be positioned to project a beam of light (18/or 26) in a forward direction relevant to the hand-held tool when the tool would be in operation.

Regarding claim 4, the power means (19) would be standard household current.

Regarding claim 5, the hand-held tool would be a power drill (see figs. 1 and 3).

Gible ('679) does not disclose mounting means for attaching the casing to the hand-held tool.

Durst ('615) discloses a drill attachment precision verifier having:

Regarding claim 1, mounting means or body member (21) for attaching the casing or housing (25) to the hand-held tool (see figs. 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the gage attachment for drills of Gible ('679) with the mounting means for attaching the casing to the hand-held tool disclosed by Durst ('615) for the benefit and advantage to provide an attachment for use with an electric drill, the attachment including a light bulb or light source which is adapted to pass through a housing that is detachably connected to the drill so that the job of properly lining up the drill is facilitated.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gible ('679) in view of Durst at el. ('615) as applied to claim 1 above, and further in view of Snoke et al (U.S.5797670).

Gible ('679) and Durst ('615) disclose the claimed invention except for a battery.

**Snoke ('670) discloses** a portable power tool light, accessory mounting belt, and method of using same having:

**Regarding claim 2, the power means (40) would further include at least one battery, the battery located within the hand-held tool.**

**Regarding claim 3, the power means (40) would further include at least one battery, the battery located within the hand-held tool (col. 5, lines 43-50).**

**Regarding claim 6, the hand-held tool would be a chain saw (see fig. 1).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the battery of Snoke for the drills of Gible ('679) in view of Durst ('615) to provide a hand-held tool with the battery when

the working area power station is down, or when the electric cord is not accessible.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibble ('679) in view of Durst ('615) as applied to claim 1 above, and further in view of Gassen et al. (U.S.5,016,355).

Gibble ('679) in view of Durst ('615) disclose the claimed invention except the chain saw.

Regarding claim 6, the hand-held would be a chain saw (see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the gage attachment for drills of Gibble ('679) with the chain saw disclosed by Gassen ('355) for the benefit and advantage to provide a hand-held having a chain saw including a motor, a guide and a housing forming a rear handle.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

L. F. Cameron et al. (U.S.3,525,588) discloses an illuminated electric drill and the like.

C. I. Durst et al. (U.S.2,822,615) discloses a drill attachment precision verifier.

### ***Response to Arguments***

1. Applicant's arguments filed 8/25/2003 have been fully considered but they are not persuasive.

2. Applicant argued that It should be noted that although the Gbble ('679) prior art reference does disclose a casing and light combination, the casing is attached within the hand-held tool and is not attached to the hand-held tool. Applicant further stated that therefore, one of the elements disclosed in the present invention is missing within the Gbble prior art reference. Applicant propounds it would not be "obvious" to automatically change the location of the casing and light combination to arrive at the present invention. Applicant's argument cited above goes likely for Gassen et al ('355)'s chain saw.

3. In response to Applicant's arguments, applicant argues basing on the contain of the specification, but not in light of his/her claimed limitation(s) has stated in part (d) of Applicant's independent claim 1. Section (d) of claim 1 clearly states "mounting means for attaching the casing to the hand-held tool", on one hand, and on other hand, Applicant admits that Gbble prior art ('679) reference does disclose a casing in combination with a light element; which Gbble ('679) shows clearly in (fig. 1), but Durst et al. (U.S.2,822,615) does teach a mounting means (21,17) for attaching the casing to the hand-held tool.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, all the reference (s) is/are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Gible ('679) and Durst ('615) are both in the same field of endeavor.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on 8:00 AM-5:00PM.

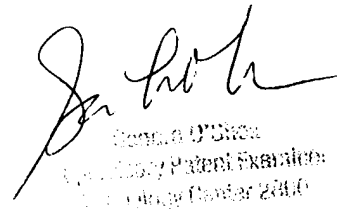
Application/Control Number: 10/008,667  
Art Unit: 2875

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Bertrand Zeade  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisor  
Patent Examiner  
Art Unit 2875